

DETAILED OFFICE ACTION

Rejections Under 35 USC 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The R" definition fails to particularly point out and distinctly claim the intended subject matter in reciting "represents a group that forms a covalent bond with a functional group of an organic compound and which has no adverse effect on the binding of folic acid to a folic acid recognizing receptor." There is no identification of the intended "functional group." There is no clarification of what is intended to be an "adverse effect" and how this would be recognized. There is no identification of a "folic acid recognizing receptor" and how such recognition takes place. The binding requirement is very unclear. AS WRITTEN, it seems that the binding of folic acid to a folic acid receptor to yield an intermediate is measured, and then folic acid is mixed with this intermediate, and the binding of folic acid to the receptor is remeasured to determine if the intermediate had any adverse effect on the binding of folic acid to the receptor. Also, it is unclear which folate receptor is being referenced, because there would appear to be four. The basis on which the strength of "an organic base" is determined is undefined.

The preamble recites producing a folic “acid-amide compound,” while the claims concludes with producing a folic “acid-amine compound.”

Allowable Subject Matter

Claims 1-5 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. An Examiner’s statement of reasons for indication of allowable subject matter can be found in the Office Action of Nov. 15, 2007.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cecilia M. Jaisle, J.D. whose telephone number is 571-272-9931. The examiner can normally be reached on Monday through Friday; 8:30 am through 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Mr. James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. If you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cecilia M. Jaisle, J.D.

5/28/2008

/James O. Wilson/

Supervisory Patent Examiner, Art Unit 1624